

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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STERLING ASKEW, as Father, Next of Kin  
and as Administrator Ad Litem/Personal  
of the Estate of STEVEN ASKEW, Deceased, and  
SYLVIA ASKEW, as Mother and Next of Kin  
of STEVEN ASKEW, Deceased,

Plaintiffs,

v.

No. 2:14-cv-02080-STA-tmp

CITY OF MEMPHIS,  
TONEY ARMSTRONG, Individually,  
and in His Official Capacity as the  
Police Director of the Memphis Police Department,  
OFFICER NED AUFDENKAMP (#11914),  
Individually and in his Official Capacity  
as a Police Officer with the Memphis Police Department,  
OFFICER MATTHEW DYESS (#12402),  
Individually and in his Official Capacity  
as a Police Officer with the Memphis Police Department,

Defendants.

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MOTION TO EXCLUDE TESTIMONY  
OF PLAINTIFF'S PROPOSED EXPERT MICHAEL A. KNOX

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Pursuant to Federal Rule of Evidence 702 and supporting case law, Defendant City  
of Memphis moves to exclude testimony of Plaintiff's proposed expert, Michael A. Knox,  
and in support thereof states as follows:

1. Mr. Knox's opinion with regard to the reconstruction of the shooting incident is based upon speculation and conjecture.
2. Mr. Knox's opinion relative to the events leading up to the shooting of Mr. Askew are irrelevant under the Segmenting Rule.
3. Mr. Knox's opinion relative to the investigation in this case is irrelevant based upon existing law under 42 U.S.C. Section 1983.
4. Mr. Knox's opinion relating to training in this case is based upon speculation and conjecture and should be excluded under Rule 707 and existing law pursuant to 42 U.S.C. Section 1983.
5. Mr. Knox's legal conclusions, speculation and comments are inappropriate and should be excluded.

Respectfully submitted,  
/s/ Henry L. Klein  
Henry L. Klein, #8856

/s Richard J. Myers  
Richard J. Myers #15577  
APPERSON CRUMP PLC  
6070 Poplar Ave., Suite 600  
Memphis, TN 38119  
Phone: 901-756-6300  
[hklein@appersoncrump.com](mailto:hklein@appersoncrump.com)  
[rmyers@appersoncrump.com](mailto:rmyers@appersoncrump.com)  
Attorneys for City of Memphis

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been forwarded to the following via U.S. mail, postage prepaid this the \_\_\_\_\_ day of October, 2015:

Howard Brett Manis, Esq.  
MANIS LAW FIRM  
1000 Ridgeway Loop Road  
Suite 320  
Memphis, TN 38120

Zayid Saleem  
City Attorney's Office  
125 N. Main Street  
Ste. 336  
Memphis, TN 38103

Jeffrey S. Rosenblum, Esq.  
Matthew T. May, Esq.  
ROSENBLUM & REISMAN  
6070 Poplar Avenue  
Suite 500  
Memphis, TN 38119

Elijah Noel, Jr., Esq.  
Harris Shelton Dunlap Cobb & Ryder  
One Commerce Square  
Suite 2700  
Memphis, TN 38103

Deborah E. Godwin, Esq.  
Mary Elizabeth McKinney, Esq.  
Godwin Morris Laurenzi & Bloomfield,  
P.C.  
Morgan Keegan Tower  
50 N. Front St.  
Suite 800  
Memphis, TN 38103

/s/ Henry L. Klein